

SEP 10 2021

PRISONER CIVIL RIGHTS ACT COMPLAINT FORM
42 U.S.C. §1983
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

U.S. DISTRICT COURT
W. DIST. OF N.C.

Andrew Tab Kilpatrick

(Enter above full name of Plaintiff/only
One plaintiff permitted per complaint.)

Case No. 1:21-cv-00244

Jacob Darrell Anderson*
Cherokee County N.C. Sheriff's Office
Sheriff Palmer, Investigator Caleb Stiles
(Enter above full name of defendant or defendants.)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (X)

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit describe the additional lawsuits on an additional sheet of paper, using the same outline.

1. Parties to previous lawsuits:

Plaintiffs:

Defendants:

2. Court (if federal court, name the district; if state court, name the

county): _____

3. Docket number: _____

4. Name of presiding judge: _____

5. Disposition (for example, was the dismissed? Appealed? Is it still pending?)

6. Approximate date of case filing: _____

II. PREVIOUS IN FORMA PAUPERIS LAWSUITS

- A. While incarcerated or detained in any facility, have you filed a lawsuit in any federal court in which you were allowed to proceed in forma pauperis (without prepayment of fees)?

Yes () No (X)

1. Name the court and docket number for each:

~~Does~~ Does NOT apply to N.C. Industrial Commission.

- B. Were any of these cases dismissed under 28 U.S.C. §1915(d) on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted?

Yes () No (X)

1. If yes, how many?

2. Name the court and docket number for each action:

III. EXHAUSTION OF INMATE ADMINISTRATIVE REMEDIES

- A. Did you present the facts of each claim relating to your complaint to the Inmate Grievance Commission or any other available administrative remedy procedure?

Yes (X) No ()

- B. If your answer is Yes:

1. When did you file your grievance?

Filed 8/28/21

2. What was your grievance?

Excessive Force, lack of proper medical care, Prosecutorial misconduct, vindictive prosecution

3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? Yes (X) No ()

If yes, when was the decision and what was the result?

Captain White said it was dealing with issues before I came to jail.

- C. If your answer to A is no, identify the claim(s) and explain why not:

Probable cause for arrest was not addressed because everytime I ask or try to discuss I get threatened they will take my privileges.

IV. PARTIES

A. Plaintiff's Name:

Andrew Tab Kilpatrick

Address/Place of Confinement: Cherokee County Detention CTR N.C.
577 Regal St. Murphy N.C. 28906

B. Defendant(s)

Name of Defendant 1:

Jacob Darrell Anderson

Position: ~~Owner~~ Operator Regional Disposal

Place of Employment:

Current Address: 9275 US Highway 19
Marble N.C. 28905

Additional Defendant(s) provide name, position, place of employment, and current address for each.

Defendant 2:

Caleb Stiles Investigator CCSD
577 Regal St.
Murphy N.C. 28906

Defendant 3:

Sheriff Palmer CCSD
577 Regal St.
Murphy N.C. 28906

Defendant 4:

(Continue on separate sheet if necessary.)

V. STATEMENT OF CLAIM

State here as briefly as possible the FACTS in your case. Do this by describing how each defendant named in Section IV B. above is personally involved in depriving you of your rights. All relevant times, dates, and places should be included. YOU MAY, BUT NEED NOT, GIVE LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES.

You may only combine claims involving events that relate to all defendants. Number and set forth each separate claim in a separate paragraph. Unrelated claims involving separate events must be set out in a separate complaint. (Attach additional sheets if necessary.)

Jacob Darrell Anderson acting in conjunction with the Cherokee County Sheriff's Dept violated 4th Amendment rights of Plaintiff by using excessive force at the end of May 2021 I shopping at Dollar General Store in Marble N.C. 28905 was viciously attacked by multiple people mainly Jacob Darrell Anderson as I retreated thru parking lot looking for my moped that was now on back of Regional Disposal truck. Mr. Anderson attacking my person hitting me with a stick, or metal bar giving me multiple lacerations to head and face, Anderson grabbing my arm and purposely bent it against the elbow's natural range of motion jerking it behind my back - torquing the limb past its breaking point Numerous officers showed up OFFICER DODR

Crimes stated
were against Anderson
was never filed.
Don't know why?

These same
crimes are in
warrants
20 CR 050914
20 CR 050916
20 CR 050917
20 CR 050918
Bond of
\$25,000

took me to Erlanger Medical Center. I was detained
by Cherokee County Sheriff's office for several hours, being
short staffed and going into surgery; officer Cody Williams
took shackles off. I left Hospital, before surgery.

- 2) CCSD officer Caleb Sticks fabricated probable cause to mislead
grand jury into returning bill of indictment on 8/02/21 as
in indictment 21 CRS 1025, 21 CRS 1026, 21 CRS 1027, 21 CRS 1028
In Fact I was incarcerated in the Cherokee County
Detention CM on 10/08/20 thru 11/23/20. I simply
can't be in place at once, so my right to be free
from seizure and prosecution lacking in probable cause
is clearly established at time of arrest on 11/03/20 for
alleged crimes. 4 indictments with a separate total bonds of \$65,000
- 3) 20 CRS 050848 Harency of Motor Vehicle \$500,000 bond
Arrests for alleged crimes (2 times) a bond that is unobtainable
shows prosecutorial misconduct, vindictive prosecution.

VI. REQUESTED RELIEF

STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. YOU NEED NOT MAKE ANY
LEGAL ARGUMENTS, OR CITE ANY CASES OR STATUTES.

Monetary payments for false imprisonment, Excessive
pain and suffering from injuries occurring
but not limited to physical; mental injuries
as well, suffered directly by hands of Jacob Darrell Anderson

21 CRS 1025, 21 CR 1026, 21 CRS 1027, 21 CRS 1028
20 CRS 050848 immediately dismissed or All bonds
unsecured, and monetary payments for
each day incarcerated under aforementioned
indictments.

58 days as of today

Jacob Darrell Anderson \$2.5 million
Cherokee County Sheriff's Dept. \$590,000

Witnesses: Officer Cody Williams
Officer Poer

Erlanger Medical Records Murphy N.C.

Heather Hawkins 828-361-5278

210 Heaton Rd Marble N.C. 28905

Betsy Kilpatrick - 828-361-4709

210 Heaton Rd
Marble N.C. 28905

Dollar General Store

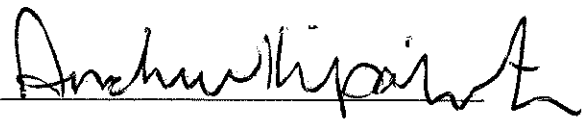
Marble N.C. 28905

Video or Statements from
Workers at end of May 2021

Date:

9/06/21

Signature:



Prison ID #: